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12 Attorneys for Defendant Google, Inc.

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA, [SAN JOSE DIVISION](#)**

15 CLRB HANSON INDUSTRIES, LLC d/b/a  
16 INDUSTRIAL PRINTING, and HOWARD  
17 STERN, on behalf of themselves and all others  
18 similarly situated,

19 Plaintiff,

20 v.

21 GOOGLE, INC.,

22 Defendant.

CASE NO. [C 05-03649 JW](#)

**[\[PROPOSED\] ORDER GRANTING  
DEFENDANT GOOGLE, INC.'S  
MOTION TO DISMISS PLAINTIFFS'  
UNJUST ENRICHMENT CLAIM IN  
THE SECOND AMENDED  
COMPLAINT](#)**

Fed. R. Civ. P. 12(b)(6)

Date: June 26, 2006  
Time: 9:00 a.m.  
Place: Courtroom 8  
Judge: Honorable James Ware

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28 **[\[PROPOSED\] ORDER GRANTING DEFENDANT  
GOOGLE, INC.'S MOTION TO DISMISS PLAINTIFFS'  
UNJUST ENRICHMENT CLAIM IN THE SECOND  
AMENDED COMPLAINT](#)**  
CASE NO: C 05-03649 JW

1 Defendant Google, Inc.'s Motion to Dismiss Plaintiffs' Unjust Enrichment Claim in the  
2 Second Amended Complaint, brought pursuant to Federal Rule of Civil Procedure 12(b)(6),  
3 having come on for hearing, the Court having considered all relevant documents and evidence  
4 and having considered the arguments of counsel, and good cause appearing therefor:

5 IT IS HEREBY ORDERED that Defendant's Motion to Dismiss Plaintiffs' Unjust  
6 Enrichment Claim in the Second Amended Complaint is granted and plaintiffs' claim for unjust  
7 enrichment is dismissed, without leave to amend, pursuant to Federal Rule of Civil Procedure  
8 12(b)(6).

9  
10 DATED: \_\_\_\_\_, 2006

\_\_\_\_\_  
Honorable James Ware  
U.S.D.C., Northern District of California

11  
12 Respectfully submitted:

13 **PERKINS COIE LLP**

14 By \_\_\_\_\_/s/  
15 David T. Biderman

16 Attorneys for Defendant  
17 Google, Inc.

**PROOF OF SERVICE**

I, Susan E. Daniels, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of 18 years and am not a party to the within action. My business address is Perkins Coie LLP, 180 Townsend Street, 3rd Floor, San Francisco, California 94107-1909. I am personally familiar with the business practice of Perkins Coie LLP. On May 18, 2006, I served the following document(s):

**[PROPOSED] ORDER GRANTING DEFENDANT GOOGLE, INC.'S MOTION TO DISMISS PLAINTIFFS' UNJUST ENRICHMENT CLAIM IN THE SECOND AMENDED COMPLAINT**

by placing a true copy thereof enclosed in a sealed envelope addressed to the following parties:

William M. Audet, Esq. Attorney for Plaintiffs and  
Ryan M. Hagan, Esq. the Proposed Class  
Jason Baker, Esq.  
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Michele F. Raphael, Esq. the Proposed Class  
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XXX (By Mail) I caused each envelope with postage fully prepaid to be placed for collection and mailing following the ordinary business practices of Perkins Coie LLP.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed at San Francisco, California.

DATED: May 18, 2006.

/S/

Susan E. Daniels